

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
FOLEY SQUARE
NEW YORK, NEW YORK 10007-1581

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LOUIS L. STANTON
UNITED STATES DISTRICT JUDGE

January 26, 2015

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Re: Fera Pharmaceuticals, LLC v. Akorn, Inc. et al., 12 Civ. 7694 (LLS)

Dear Counsel,

Thank you for your letters of January 21, 22, and 23, 2015. On reflection, it seems to me that the antitrust claims are on file as pleaded, will remain there until dismissed (if that happens), and there is as of yet no motion to dismiss them. Accordingly, under the ambiguous circumstances described in your correspondence, they are fair ground for discovery.

I will issue the letter incorporating the description of the counterclaims (Dkt. No. 41, Ex. A) and Akorn's supplemental document requests relevant to those counterclaims (Dkt. No. 41, Ex. B).

This disposes of Fera's motion (Dkt. No. 39).

Very truly yours,

Louis L. Stanton

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